

TAB 1

PLAINTIFF'S EXHIBITS

In re InaCom Corp. / InaCom Corp. v. Dell Computer Corp.
(Bankr. No. 00-2426 / Adv. No. 04-cv-582)

Plaintiff's Trial Exhibits

The following exhibits were offered by Plaintiff and marked for identification. Defendant objected to their receipt in evidence on the grounds stated.:

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
1		Intentionally omitted				
2	04/19/2005	Report prepared by Dean R. Vomero of Bridge Associates LLC-InaCom Corp. and Affiliated Entities Insolvency/Valuation Analysis as of March 25, 2000		Vomero 2	Hearsay, R. 802; Unreliable principles/methods and principle/methods unreliably applied, R. 702	
3	05/27/2005	Rebuttal Report prepared by Dean R. Vomero of Bridge Associates LLC - Response to Duff & Phelps LLC/Sasco Hill Advisors, Inc. InaCom Corp., Valuation Analysis		Vomero 3	Hearsay, R. 802; Unreliable principles/methods and principle/methods unreliably applied, R. 702	
4	04/27/2000	InaCom Bank Presentation	DE 004400 - DE 004414	Gagliardi 7 Vomero 17		

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
5	05/01/2000	Blackstone Confidential Information Memorandum	DE 012457 - DE 012583; BSG 0332 - BSG 0386		Hearsay, R. 802; Not relevant, R. 402; Unfairly prejudicial, R. 403	
6	05/02/2005	Expert Report prepared by Francis X. Devine of Murray Devine Co.		Devine 1	Hearsay, R. 802	
7	04/29/2005	Expert Report prepared by Stuart A. Gollin of Weiser LLP		Gollin 1 LaRocca 4	Hearsay, R. 802. Unreliable principles/methods and principle/methods unreliably applied, R. 702	
8		Liquidation Analysis from Disclosure Statement			Hearsay, R. 802. Unfairly prejudicial, R. 403	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
9		Updated liquidation analysis from Gilmour			This document has not previously been disclosed or made available in discovery. Accordingly, since this document was not provided in discovery, Dell objects to its admission in evidence. See Fed. R. Civ. P. 37(c). Additionally, Dell has not been provided with a copy of this document. Therefore, Dell has had no opportunity to review the document and assert other appropriate objections	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
10		Demonstrative – make-up of outstanding unsecured creditors			This document has not previously been disclosed or made available in discovery. Accordingly, since this document was not provided in discovery, Dell objects to its admission in evidence. See Fed. R. Civ. P. 37(c). Additionally, Dell has not been provided with a copy of this document. Therefore, Dell has had no opportunity to review the document and assert other appropriate objections	
11		Intentionally omitted				

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
12		Bridge demonstrative charts/graphs			Not previously disclosed in expert witness disclosures. This document has not previously been disclosed or made available in discovery. Accordingly, since this document was not provided in discovery, Dell objects to its admission in evidence. <i>See</i> Fed. R. Civ. P. 37(c). Additionally, Dell has not been provided with a copy of this document. Therefore, Dell has had no opportunity to review the document and assert other appropriate objections	
13		Package of InaCom Corp. Board of Directors Meeting Minutes from 02/28/2000 to 07/25/2000	ICN 19504 – ICN 19590	Oshlo 16 Vomero 19	As to minutes after 4/22/00: Not relevant, R. 402	
14	05/24/2000	Email from A. Karsnia to B. Wells, et al.	CPQ/BG 2545 – CPQ/BG 2547		Not relevant, R. 402. Hearsay, R. 802	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
15	01/04/2000	Asset Purchase Agreement among Compaq Computer Corp., ITY Corp. and InaCom Corp.	00674 - 00815	Fitzpatrick 20		
16		Schedules to APA			Document is not <u>sufficiently described</u> to allow Dell to identify. Therefore, Dell has had no opportunity to review the document and assert appropriate objections	
17	03/15/2000	Accounts Payable Schedule as of 02/12/2000 and attached AP register			Document is not <u>sufficiently described</u> to allow Dell to identify. Therefore, Dell has had no opportunity to review the document and assert appropriate objections	
18	02/15/2000	Compaq Computer Corp. Revolving Credit Facility Commitment Letter to InaCom Corp.	01067 - 01110	Fitzpatrick 18 Wells 10		
19		Intentionally omitted				

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
20	02/16/2000	Services, Supply and Sales Agreement among Compaq Computer Corp., ITY Corp. and InaCom Corp.	CA 1 - CA 18; 00817 - 00834	Dugan 5 Kerkman 1 Samuelson 9 Wells 8		
21	02/16/2000	Separation and Sharing Agreement between ITY Corp. and InaCom Corp.	00873 - 00943	Dugan 6 Oshlo 18 Samuelson 10		
22	02/16/2000	InaCom Services Service Level Agreement with Compaq Computer Corp.	00836 - 00871	Fitzpatrick 17 Vomero 28		
23	02/16/2000	Intercreditor Agreement among Deutsche Bank AG New York, Compaq Computer Corp. and IBM Credit Corporation	Wells 1 - Wells 34	Oshlo 17		
24a	01/04/2000	Third Amendment and Waiver among InaCom Corp., the Banks, IBM Credit Corp., Banque Nationale de Paris and Deutsche Bank AG, New York Branch	00953 - 00974	Fitzpatrick 14 Oshlo 2 Samuelson 1 Vomero 22 Wood 2		

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
24b	02/15/2000	Fourth Amendment and Waiver among InaCom Corp., the Banks, IBM Credit Corp., Banque Nationale de Paris and Deutsche Bank AG, New York Branch	00976 - 00993	Fitzpatrick 15 Gagliardi 10 Oshlo 5 Samuelson 2 Wood 3		
24c	03/31/2000	Fifth Amendment and Waiver among InaCom Corp., the Banks, IBM Credit Corp., Banque Nationale de Paris and Deutsche Bank AG, New York Branch	DE 001601 - DE 001611	Oshlo 19		
24d	04/14/2000	Sixth Amendment and Waiver among InaCom Corp., the Banks, IBM Credit Corp., Banque Nationale de Paris and Deutsche Bank AG, New York Branch	DE 010820 - DE 010833	Oshlo 20		
25	03/24/2000	Memo from R. Oshlo to T. Fitzpatrick re: Accessing Compaq Revolving Credit Facility	ICN 14296 - ICN 14297; 014001 - 014002	Oshlo 15		
26	04/04/2000	Memo from R. Oshlo to T. Fitzpatrick re: status of held checks and revolver	InaCom 003257; 014135	Oshlo 14		
27	04/27/2000	Letter from C. Anderson and B. Wavro to T. Fitzpatrick re: collections on receivables owned by Compaq	DE 000541	Gagliardi 4 Wood 18		

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
28	04/28/2000	Notice of Borrowing from InaCom to Deutsche Bank	DE 000702 - DE 000703	Oshlo 21 Vomero 30		
29	05/10/2000	Treasury Released Checks by Date	FTI 000752 - FTI 000755	Dugan 9 Horton 6 Oshlo 10		
30	05/16/2000	Letter from B. Wavro to T. Fitzpatrick waiving a portion of the Revolving Credit Facility Commitment Letter	CPQ/BG 0001065	Gagliardi 5		
31	05/26/2000	Letter from R. Wood and M. Cheever to C. Anderson re: continuing investigation of the misdirected funds	DE 002845 - DE 002846	Wood 23		
32	03/24/2003	Disclosure Statement and Plan of Liquidation			Not Relevant, R. 402. Hearsay, R. 802. Unfairly prejudicial, R. 403	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
33	11/12/2004	Defendant Dell Computer Corporation's Objections and Responses to Plaintiff's Requests for Admission, Interrogatories and Requests for Production		Horton 2 Keller 6 LaRocca 3	Dell objects to the extent of any objections or claims of privilege asserted in Dell's Objections and <u>Responses to Plaintiff's</u> Requests for Admission, Interrogatories, and Requests for Production under R. 402 and R. 403. Dell also objects to any answers or responses that are not relevant to any claim or fact at issue in this litigation under R. 402	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
34	12/07/2004	Defendant Dell Computer Corporation's Objections and Responses to Plaintiff's Second Set of Interrogatories to Defendant		Keller 7	Dell objects to the extent of any objections or claims of privilege asserted in Dell's Objections and Responses to Plaintiff's Requests for Admission, Interrogatories, and Requests for Production under R. 402 and R. 403. Dell also objects to any answers or responses that are not relevant to any claim or fact at issue in this litigation under R. 402	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
35	05/03/2005	Defendant Dell Computer Corporation's Supplemental Responses to Plaintiff's First Set of Interrogatories			Dell objects to the extent of any objections or claims of privilege asserted in Dell's Objections and Responses to Plaintiff's Requests for Admission, Interrogatories, and Requests for Production under R. 402 and R. 403. Dell also objects to any answers or responses that are not relevant to any claim or fact at issue in this litigation under R. 402	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
36	06/17/2005	Defendant Dell Computer Corporation's Second Supplemental Responses to Plaintiff's First Set of Interrogatories			Dell objects to the extent of any objections or claims of privilege asserted in Dell's Objections and Responses to Plaintiff's Requests for Admission, Interrogatories, and Requests for Production under R. 402 and R. 403. Dell also objects to any answers or responses that are not relevant to any claim or fact at issue in this litigation under R. 402	
37 - 46		Intentionally omitted				

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
47	03/14/2000	Email from Gagliardi to Winkler complaining about no incremental service revenue	CPQ/INA 16141 - CPQ/INA 16142		Hearsay, R. 802; Dell also objects because the document appears redacted and altered from its original form, therefore, Dell objects pursuant to R. 1002 and R. 1003	
48	10/20/2000	Complaint - Custom Edge v. InaCom, et al. (Adv. Case # 00-1684)				
49	04/18/2000	Email from Hansen to Oshlo et al. re: split of AR receipts	ICM 036584 - ICM 036585			
50	05/17/2000	InaCom Press Release	CPQ/BG 0002983		Not Relevant, R. 402. Unfairly prejudicial, R. 403	
51	05/17/2000	Moody's Press Release	CPQ/BG 0002980 - CPQ/BG 0002982		Not relevant, R. 402. Unfairly prejudicial, R. 403	
52	05/09/2000	Facsimile from Wood to Gagliardi	DE 10496 - DE 10499		Not Relevant, R. 402. Hearsay, R. 802	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
53		Demonstrative – supporting Fitzpatrick narrative			This document has not previously been disclosed or made available in discovery. Accordingly, since this document was not	
					provided in discovery, Dell objects to its admission in evidence. See Fed. R. Civ. P. 37(c). Additionally, Dell has not been provided with a copy of this document. Therefore, Dell has had no opportunity to review the document and assert other appropriate objections	
54		Intentionally omitted				
55	02/16/2000	First Amendment to Asset Purchase Agreement	IN 00013 – IN 00015			
56	03/15/2000	InaCom Asset Purchase Schedules Summary as of 02/12/2000				

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
57	06/2000	Asset Purchase Agreement (unexecuted) dated as of June ____, 2000 by and between Compucom and Marlin			Document was not provided to Dell until August 9, 2005, months after the close of discovery in March 2005 and after fact discovery was completed. Accordingly, Dell objects to its admission in evidence. See Fed. R. Civ. P. 37(c)	
58	06/19/2000	Affidavit of Thomas J. Fitzpatrick in Support of First Day Orders			Hearsay, R. 802	
59		Summary Act vs. Bud	DE 002975		Rule of optional completeness, R. 106-- add pages DE002976 through 02996	
60	03/27/2000	InaCom Press Release	DB 008602			
61	05/01/2000	Blackstone Project Adams Debtor in Possession Model report	BSG 0053 - BSG 0064		Relevance, R. 402; Hearsay, 802. Unfairly prejudicial, R. 403	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
62	03/24/2000	A/P Weekly Balancing to A/P Aging Report	FTI 000652		Hearsay, R. 802. Dell also objects to authenticity in that it appears there is additional related information omitted; therefore, this document is not complete, R. 1002 and R. 1003	
63	01/01/2000	Email from J. Samuelson to C. Anderson	CPQ/BG 0001875		Not relevant, R. 402. Hearsay, R. 802	
64	05/27/2000	Email from K. Edwards to M. Hall	CPQ/INA 0003235		Not relevant, R. 402. Hearsay, R. 802. Unfairly prejudicial, R. 403	
65	04/28/2000	Memo from P. Hatfield to mailing list	DE 011691		Not relevant, R. 402. Hearsay, R. 802. Unfairly prejudicial, R. 403	
66	12/09/1999	Email from R. Conklin re: InaCom Update	CPQ/BG 0007108		Not relevant, R. 402. Hearsay, R. 802. Unfairly prejudicial, R. 403	
67	04/26/2000	Minutes of InaCom Board of Directors Meeting	InaCom 10126 - InaCom 10127		Not Relevant, R. 402	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
68	06/14/2000	Letter from B. Wavro to T. Fitzpatrick with attached Statement	005224 - 005231		Not Relevant, R. 402. Hearsay, R. 802. Unfairly prejudicial, R. 403	
69	06/01/2000	Memo from T. Molehan re: Board Meeting materials	005232 - 005242		Not relevant, R. 402. Hearsay, R. 802	
70	02/16/2000	Wiring Instructions for Compaq-InaCom Closing	005427 - 005429	Gagliardi 11 Oshlo 6		
71	05/01/2000	Blackstone Project Addams Reorganization Model	BSG 0001 - BSG 0026		Not relevant, R. 402. Unfairly prejudicial, R. 403. Hearsay, R. 802	
72	04/30/2000	Blackstone Group Jan Actual - April Actual	BSG 0065 - BSG 0068		Not relevant, R. 402. Hearsay, R. 802. Unfairly prejudicial, R. 403	
73		Blackstone Group Q2 - Q3 consolidated Summary and backup	BSG 0069 - BSG 0076		Not relevant, R. 402. Unfairly prejudicial, R. 403. Hearsay, R. 802	
74		Examples of invoices from Dell to InaCom		Horton 3; Keller 11		
75	08/10/1994	Remarketer/Integrator Agreement between Dell Marketing and Vanstar		Horton 4 Keller 12		

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
76	04/01/2005	Letter from S. Streusand to E. Forte enclosing additional document production obtained from M. Horton's records (attached)	(InaCom/Dell Received 4/1/05) 00004 - 00086	Horton 7 Thompson 1	Dell objects to letter reflecting correspondence between counsel. Not Relevant, R. 402	
77	04/18/2005	Fax from S. Streusand to E. Forte forwarding unredacted emails from M. Horton's records (attached)	(InaCom/Dell received 4/18/2005) 00001 - 00033	Horton 8	Dell objects to letter reflecting correspondence between counsel. Not Relevant, R. 402	
78	05/16/2002	Summons and Complaint against Dell		Keller 1	Not relevant, R. 402. Hearsay, R. 802. Unfairly prejudicial, R. 403	
79	06/11/2002	Original Answer of Dell		Keller 2	Not relevant, R. 402	
80	12/29/2004	Amended Answer of Dell		Keller 3	Not relevant, R. 402	
81	05/23/2002	Cancelled checks to Dell		Keller 9	Cumulative of stipulation in Pre-Trial Order	
82	03/31/2000	Wire transfer records for wire to Dell parties for \$806,278.00			Cumulative of stipulation in Pre-Trial Order	
83	00/00/0000	Series of Collection Letters and Customer Care Notices from Dell		Keller 16		

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
84		Houlihan Lokey Howard & Zukin work papers				
85	05/26/2005	Rebuttal Expert Report prepared by Michael L. Newsom of Bridge Associates		LaRocca 5 Newsom 1 Thomas 3	Hearsay, R. 802. Unreliable principles/methods and principle/methods unreliably applied, R. 702	
86	05/30/2002	Lain Faulkner & Co. Engagement Letter		Thomas 1		
87	04/28/2005	Expert Report prepared by Stephen H. Thomas of Lain, Faulkner & Co., P.C.		LaRocca 2 Newsom 3 Thomas 2		
88	04/28/2005	Expert Report prepared by John LaRocca		Gollin 4 LaRocca 1		
89	04/05/2005	Emails re: MicroAge Reports		LaRocca 7		
90		Exhibits marked at the Deposition of Dean Vomero taken on 07/27/2005			There are multiple exhibits to Mr. Vomero's deposition. Plaintiff's general designation of these exhibits is not sufficient to allow Dell to assert specific objections to individual exhibits	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
91		Exhibits marked at the Deposition of Jason F. Fensterstock taken on 07/28/2005			There are multiple exhibits to Mr. Fensterstock's deposition. Plaintiff's general designation of these exhibits is not sufficient to allow Dell to assert specific objections to individual exhibits	
92	07/06/2005	Dell Privilege Log			Not relevant, R. 402. Unfairly prejudicial, R. 403. Moreover, the privilege log identified is not most current. In addition, Dell objects because constitutes inadmissible comment on the claim of privilege	
93	05/23/2003	Bankruptcy Court's Order Confirming Debtors' Liquidating Plan			Not relevant, R. 402	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
94		All exhibits identified by the Debtors in the separate adversary proceedings against Lexmark International, Inc. (Adversary No. 02-3500), Ingram Entertainment Corp. (Adversary No. 02-3960) and Tech Data Corp. (Adversary No. 02-3496) relevant to the issue of insolvency and any other issue relevant to this adversary proceeding			Documents are insufficiently identified for Dell to make an objection, except relevance as to Dell, R. 402, which Dell conditionally asserts. In addition, such exhibits have not been provided to Dell. Therefore, Dell is unable to prepare specific objections to individual documents	

Ex.	Date	Description	Bates	Depo. Ex.	Dell's Objections	Adm.
95		Exhibits that may consist of documents produced or identified later in connection with this adversary proceeding before trial			Documents are insufficiently identified for Dell to make an objection, except relevance as to Dell, R. 402, which Dell conditionally asserts. Additionally, fact discovery closed on March 31, 2005. To the extent documents are identified that were not disclosed in discovery, Dell objects to the admission of such documents. <i>See</i> Fed. R. Civ. P. 37(c). Dell also objects to the admission of documents not set forth on Plaintiff's Exhibit List, and Dell objects to the admission of documents not timely identified	